

FORMAL COMPLAINT

ORIGINAL



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Arizona Corporation Commission
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FORMAL COMPLAINT FILED AGAINST
MOHAVE ELECTRIC COOPERATIVE

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKET NO. E-01750A-09-0149

EMERGENCY

FORMAL COMPLAINT FILED AGAINST MOHAVE ELECTRIC COOPERATIVE FOR UNNECESSARY LINE EXTENSION BILL

This formal complaint is filed against Mohave Electric Cooperative, the management of the Mohave Electric Cooperative, the Board of Directors and Executive Officer Robert E. Broz.

Roger and Darlene Chantel are filing this emergency formal complaint based on the following: This is an emergency because the temporary electrical equipment that the Chantels are using is wearing out and could fail any day.

Mohave Electric Cooperative (hereinafter referred to as MEC) have high powered transmission lines that transmit high voltage electricity over our property. A few years ago I, Roger Chantel, noticed that a section of this high voltage transmission line that exists on our property was showing signs of sagging. I contacted MEC about the line and they did nothing to correct the unsafe condition. I contacted a number of government authorities and asked them if they would have MEC correct the unsafe condition. The ones that did respond claimed they did not have jurisdiction over the utility company. During the examination of the documents of record I discovered that MEC did not have a recorded right-of-way to transmit high powered electricity across our property. I contacted MEC about the right-of-way issue. Their response was, if I wanted their poles moved off of my property I would have to pay to have them moved. I was a little set back by this response. I monitored the unsafe condition that existed on our property for a few years. The large span of 694 between poles was causing the pole on my property to bend to a point that it was evident that it was just a matter of time before it would break and these high power lines would fall and cause a great deal of damage to our property and possibly life. After not receiving any help from government agencies it appeared that I was going to have to provide for our own safety when it came to the unsafe conditions of these high powered electric lines that existed on our property. After a long time and great consideration of the unsafe dangerous condition that existed on our property, I decided to create a functional art work that would protect us and our property from the dangers of these unsafe electric lines that were on our property. I started constructing my art work in the location on our property that I felt would provide the safest conditions for my family and the grandkids that travel over

most of the area that these unsafe lines were located in. Sometime after I started construction of my art work, representatives of MEC stopped by and told me that I was building a structure in their utility right-of-way easement. I informed the representative that MEC did not have a right-of-way across my property to transmit high voltage electricity. They became upset over that statement and went to the government authority known as Mohave County Building and Zoning Department and made false claims to them that they had a legal easement over my property. MEC claimed to Mohave County that my art work was unsafe and violated National Electrical Safe Code rule 234 table 234-1. MEC requested a letter from the county authorities to have our electricity disconnected. MEC built an alternative extension line around our property to service the rail road with power. On September 16, 2008, MEC disconnected the electricity to our place of residence. An emergency informal complaint was filed with the Arizona Corporation Commission. (ACC) MEC said they would not reinstate our electricity until we paid, in full, the bill of \$12,135.09 plus enter into a contract to pay for building a new three phase system around our property. This bill was created by MEC's actions of creating a line extension around our property. MEC claimed that my art work was in violation of the NESC rule 234 table 234-1 and that is why they built the new line extension around our property. MEC claimed that my actions were the reason they had to build this line extension. The reason all of this is in front of the Commission is because of MEC's actions of disconnecting our electricity to our place of residence.

I informed MEC and the Commission that I have a medical condition that requires full time continuous electricity supplied to our place of residence and that I needed my electricity reinstated to our place of residence. To this day MEC has made no effort to reinstate my electricity for the purpose of health reasons.

MOHAVE ELECTRIC CLAIMS CHANTELS HAD AN UNSAFE BUILDING CONDITION ON CHANTEL'S PROPERTY

In August of 2008 an MEC representative claimed that the art work that I was creating was in violation of some kind of electrical code. MEC did not discuss with me which electrical codes nor did they present a copy of any electrical codes that they claimed I was in violation of. I had no idea of what kind of electrical code violation MEC was referring to. MEC claimed that this so called violation was so serious and was so large that it merited the action of disconnecting the electricity to our place of residence. MEC contacted the Mohave County Planning Department and had Darrel Reidel and had a representative of Mohave Electric Cooperative come to our property and made a determination that there was some kind of safety violation. When I asked the representative of MEC for a written confirmation of what I was in violation of he replied, "We cannot give you that information". The meeting held on September 12, 2008 by the two above mentioned individuals appeared to be some kind of conclusion to conspire together to do harm to me. The reason I believe this is because the Mohave County Planning Safety Director (hereinafter referred to as MCP) did not even inspect my art work. It appeared that these two individuals made some kind of arrangement with one another so MCP could issue a letter of disconnect to MEC. We never did get any type of letter from MCP stating that they issued a letter of disconnect to MEC. On September 16, 2008 MEC had one of their linemen come to our door at about 4:00 P.M. and told my wife that they were

disconnecting our electricity. We did not have any kind of notice that MEC was going to disconnect our electricity on that day. We were not prepared to be without electricity. I have Sleep Apnea, which requires full time electricity to run my breathing machine. I went without my breathing machine for a number of days. After a period of time I was finally able to acquire some batteries, inverters and generators to supply enough power to run my breathing machine, but even today there are times when we do not have enough electricity to run our house and supply our needs.

If the Commissioners were to examine the ACC's records, you would find that a number of ACC workers tried to have us informed of our electricity disconnection. MEC was so adamant about turning off our electricity that most of the ACC employees did not have the authority to reject MEC's insistence to turn off our electricity.

LEGAL ISSUES AND FACTS

1. MEC claimed that I was building an art work or some type of structure in their (MEC's) right-of way.
2. FACT: MEC does not have a right-of-way over our property.
3. MEC claimed that my Art Work (structure) was in violation of National Electric Safety Code (hereinafter referred to as NESC) rule 234 table 234-1
4. FACT: According to rule 234 table 234-1 the distance should be 10 feet 6 inches above the top of a structure. MEC's engineering department reported to Tom Longtin on September 14, 2008 that the distance from MEC's line to the structure was 10 feet 6 inches, which Tom Longtin stated in his testimony to the ACC. My art work was not in violation of NESC like MEC claimed to Deb Reagan of the ACC. Even if it were to be in violation of the NESC, it did not merit turning off the electricity to our residence. Even if it were to be in violation it would not have been an unsafe condition to any general public because our property is fenced off from the general public and they do not have access to it. MEC wanted to damage us and our reputation to a point that they could cause government agencies to look at us as the persons that were doing wrong. All of MEC's claims are to take attention away from the fact that they do not have the right to transmit high voltage electricity over our property.
5. MEC failed to comply with NESC of maintaining safe electric lines and A.C.C. R14-2-208-1, which states that MEC is the responsible party for the safe transmission of electricity across our property.
6. MEC made false representation to government officials that I was in violation of NESC 234 Table 234-1.
7. MEC violated A.C.C. R14-2-211-A-2 and A.C.C. R14-2-211-A-5-a. & b. by refusing to reinstate Chantels electricity .
8. MEC failed to give legal notice in accordance to A.C.C. R14-2-211-D.
9. MEC failed to give legal written notice of termination in accordance to A.C.C. R14-2-211-E.
10. MEC violated A.C.C. 1 4-2-1616 CODE OF CONDUCT. If the ACC does not do something to maintain this code of conduct, every utility company will have no respect for the ACC. If that happens, every Arizona citizen will suffer.

**MOHAVE DID NOT HAVE TO REQUEST THAT THE
CHANTEL'S ELECTRICITY BE TRUNED OFF**

1. MEC could have corrected the unsafe condition that existed on our property by adding one pole to lift up the unsafe lines.
2. MEC could have followed the Mohave County Planning letter that was sent to them telling them to "de-energize the line close to the building being constructed".
3. MEC disconnected the entire high powered transmission line over our property so they would not have to pay electrical transmission fees that I am charging them.
4. MEC's main reason for disconnecting our electricity was with the intent to cause us physical and financial harm.
5. MEC was informed that I have a medical need for full time electricity and even today they do not take that need into account.
6. MEC's actions are to cause harm to us without any regard to the law or the authorities of the ACC.

**DAMAGES DONE BY MEC's ACTION OF
TURNING OFF THE CHANTEL'S ELECTRICITY**

1. MEC failed to notice us.
2. MEC's actions caused me to have an extended time without my breathing machine. As a result from the lack of the correct amount of oxygen, my thinking and judgment was impaired. This caused me to have an accident just a few days after we were without electricity. I had a broken clavicle and broken ribs.
3. MEC's actions caused great stress and anxiety to occur in our lives.
4. MEC's unjust taking of our electricity caused us to be treated as second rate citizens.
5. MEC's actions and false claims with governmental authorities caused mistrust and doubt in governing authorities and their actions.
6. MEC's actions caused me to break my clavicle and ribs, in which I was in great pain for months. This and the amount of work that my wife had to do to try and provide some kind of temporary electricity for my breathing machine caused such great mental and physical damage that she has lost faith that government is beneficial or has any concerns for the citizens it rules over.
7. MEC's disconnection of our electricity has caused the use of unstable electricity, which has caused damage to most of our electrical appliances.
8. MEC's disconnection of our electricity has damaged our green house operations as well as our landscaping.
9. These are just a few damages that we have experienced because of MEC's action of disconnecting our electricity unjustly and without legal merit.

MEC's MANAGEMENT MISREPRESENTATION OF ISSUES TO ACC EMPLOYEES

1. MEC's management made false claims to ACC employees that my art work was in violation of NESC at the time they requested the ACC employees to give them permission to disconnect our electricity.
2. MEC's management made false claims to ACC employees about the art project being a public safety issue.
3. MEC's management failed to disclose to ACC employees that I was concerned about the unsafe high voltage transmission lines that were on our property.
4. MEC's management failed to disclose to ACC employees that they did not have any recorded right-of-way to transfer high voltage electricity over our property.

MEC's management has caused so much damage and violated a number of State Statues and ACC Rules that I can only suggest a few possible directions that the ACC may want to proceed. I have no idea as to how concerned the Commissioner are about other members of the Cooperative or if the ACC even has the legal authority to correct the great many wrongs that have occurred.

RESPONSIBILITY

Is the MEC management responsible for the misrepresentation of issues to the ACC or are the members responsible because they have allowed these managers to represent the members?

If the Commission decides that MEC management has misrepresented the issue to the Commission, I suggest the following:

The line extension bill that MEC is billing us, become null and void.

My bill to MEC, be recognized as a valid bill for transmitting high voltage electricity over our property without a recorded easement.

The Commission order MEC's management to make cash payments to us for any extra electricity that we may provide into the grid system. These payments would be based on the same rate and surcharges that MEC was charging us. This appears to be within the new Commissioners' energy green plan.

IF the Commission feels that it is the members' responsibility to employ competent management employees, then it is the members' responsibility to make sure that MEC management complies with the rules set forth by the State and the Commission. The Commission can claim it does not have jurisdiction or it can create some other type of ruling. This will support my claim that we can cancel our membership in the Cooperative and move forward with a multimillion dollar law suit against all parties that are responsible for these injustices.

CONCLUSION

It appears that either MEC's management misrepresented the issues of this complaint to ACC employees or there are some employees within the ACC that are conspiring with MEC's management to protect them from assuming their responsibility of correcting the issues in this complaint.

The Chantel's ask for some kind of assistance to help get their lives back together.

Dated 3-21-09

Roger Chantel

A handwritten signature in cursive script that reads "Roger Chantel". The signature is written over a horizontal line.

One original filed with the Arizona Corporation Commission along with thirteen copies submitted to the Docket Control on this _____ day of March, 2009.

One copy sent by U.S. mail to Robert E. Broz, Executive Officer of Mohave Electric Cooperative.

Darlene Chantel
Darlene Chantel